

Appendix A
Supplemental Correspondence

A.1 Supplemental Correspondence

This Appendix provides copies of key correspondence provided that helped inform the contents of the Supplemental Draft EIS. With one, exception, this correspondence was submitted to OEA following publication of the Draft EIS in June, 2007. The correspondence presented in this Appendix is not all-inclusive; that is, OEA has also received letters and communications from other agencies and individuals commenting on the Draft EIS. Those comments, including the names and addresses of those who comment, will be considered part of the public record for this project and will be available for public review.

Specifically, this Appendix includes the following:

- Letter from James Marshall (UPRR) to Malcolm Nash (Sevier County) dated July 23, 2003
- Letter from Sandra Brown (Troutman Sanders LLP) to Victoria Rutson (STB) dated September 12, 2007
- Letter from Larry Svoboda (EPA) to Phillis Johnson-Ball (STB) dated October 18, 2007
- Letter from Sandra Brown (Troutman Sanders LLP) to Phillis Johnson-Ball (STB) dated March 6, 2008
- Letter from Jody Gale (Utah State University) to STB dated February 25, 2008
- E-mail from Nancy DeMille (BLM) to various recipients dated March 31, 2011
- Letter from Victoria Rutson (OEA) to Malcolm Nash dated March 31, 2011

If an individual or an agency filed a comment letter on the Draft EIS, it is not necessary to resubmit that comment letter to OEA. In the Final EIS, OEA will respond to comments on the Draft EIS and the Supplemental Draft EIS.

Letter from James Marshall (UPRR) to Malcolm Nash (Sevier County)
dated July 23, 2003

07/23/2003 08:11 1801-595-3337

UPRR ENG SERVICE

PAGE 02/02

UNION PACIFIC RAILROAD COMPANY

James D Marshall
Mgr. Industrial & Public Projects
(801)595-3560



280 South 400 West
Salt Lake City, UT 84101

July 23, 2003

Malcolm R. Nash
Sevier County
250 North Main Street
Richfield, UT 84701

RE: Central Utah Rail Project

Dear Mr. Nash:

Thank you for meeting with me a few weeks ago to discuss the proposed Central Utah Rail Project. This letter is to respond to your question concerning the connection point with Union Pacific.

After reviewing the matter with our Operating Department and others whom would be affected, we recommend that the proposed connection with Union Pacific be near the existing Juab and Sharp Sidings. This point would be best described by identifying the CW Corridor on your feasibility study map.

I appreciate your acknowledging that UP has certain standards for these situations and that you desire to work with UP as the proposal moves forward.

Please let me know if I can provide any additional information.

Sincerely

A handwritten signature in black ink, appearing to be "J. Marshall", written over a horizontal line.

James D. Marshall
Manager Industry & Public Projects

CC: Cameron Scott - Salt Lake City
Operating File - Omaha

Letter from Sandra Brown (Troutman Sanders LLP) to Victoria Rutson (STB)
dated September 12, 2007

— TROUTMAN SANDERS LLP —

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September 12, 2007

Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: Finance Docket No. 34075, *Six County Association of Governments - Construction and Operation Exemption - Rail Line between Levan and Salina, Utah*

Dear Vicki:

This letter responds on behalf of Six County Association of Governments ("SCAOG") to the Section of Environmental Analysis's ("SEA") August 28, 2007 request for additional information regarding alternatives and wetlands for the above referenced construction proceeding.

First, you have asked about the alternatives that SCAOG considered northeast of the proposed Union Pacific Railroad ("UP") connection at Juab. As you know, the region in which the project is located is a valley bounded on either side by mountain ranges. Building a rail line within mountains or similar terrain is not practicable or feasible as evidenced by the Marysville line problems and subsequent abandonment in the 1980's. When the Marysville line was out of service and then abandoned, this region of Utah was left without rail service, nearly three decades ago. Because of the lack of rail service in the area, coal from the Southern Utah Fuel Company ("SUFCO") is trucked from Sevier County, through the downtown of Salina at the rate of 1,500 trucks each day or approximately one truck per minute. Returning rail service to this area is vital to the health and safety of the community and will reduce road congestion, decrease the likelihood of truck accidents and provide opportunities for economic development in this region of Utah.

From the very beginning SCAOG has carefully evaluated the proposed rail construction and has made every effort to minimize any potential environmental impacts. Starting back in 2000, SCAOG began meeting with interested stakeholders in the area to assess the best placement of the rail line within the valley. SCAOG had preliminary meetings with the U.S. Army Corp of

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Victoria Rutson, Esq.
September 12, 2007
Page 2

Engineers ("USACE"), Bureau of Land Management, UP, various tribal representatives, landowners, Yuba Reservoir and other irrigation entities, local businesses and many other stakeholders at a very early in process to aid SCAOG in the route selection. In addition, SCAOG held several public briefing meetings in the key municipalities and counties that the line will travel near in order to assist in the optimal route selection. All of this input was used in determining the corridors to be evaluated for the project. As you know, 73 comments have been filed with the SEA in support of this project including supportive comments by a U.S. Senator, Utah Department of Transportation, mayors, city councils, county commissioners, chambers of commerce, and the local businesses in the area. Only five comments have been filed in opposition to the project and the remaining 25 non-agency comments were more concerned with pushing the project off of private land and onto public lands. SCAOG asserts that all this support is indicative of the work that went into the route selection for this project.

Specifically with respect to the northern portion of the route, as shown in Figure 2 of the Feasibility Study, SCAOG considered three separate corridors for the northern connection at Juab in the preliminary stages of this project. SCAOG selected the preferred route out of these three corridors because the preferred route minimized the environmental impacts to the north, especially potential wetlands impacts.

The three northern corridors looked at by SCAOG for the Juab connection were relatively close in distance to each other because existing features of the area create a narrowing of the corridor to the north that is available for the connection to UP. However, SCAOG did also consider moving the alignment further to the northeast. SCAOG's evaluation of such a change found that a northeastern connection was not practicable for various reasons, including:

- two high-voltage transmission lines to the north which would require multiple additional crossings to the northeast and would increase construction, operation and maintenance issues with respect to the maintenance yard need at the northern connection;
- irrigated farm land to the east and north of current proposal;
- county road, Powell Lane would have to be crossed to the north, thereby adding and additional road crossing and increasing the impacts to the project on the community;
- the Juab Siding terminates approximately ½ a mile to north and UP expressed a strong preference for the rail line to connect to UP at an existing siding rather than their mainline;
- the town of Levan, Utah and the surrounding community to the northeast; and
- the topography to the northeast of the preferred alignment begins to expand from rolling hills until you reach the San Pitch Mountains and construction on such topography adds to the engineering costs, cut and fill required, and the overall length of the construction which each have correlated increased environmental impacts.

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Victoria Rutson, Esq.
September 12, 2007
Page 3

The preferred route was selected because it provides the maximum overall advantage for minimizing environmental impacts by limiting the following environmental consequences to the greatest extent possible:

- land use impacts, see Figure 4-2 of the Draft Environmental Impact Statement (DEIS) issued for this project, avoids municipalities and agricultural lands and residential areas as much as possible which was of utmost importance to the region;
- elk and mule deer impacts, see DEIS Figure 4-4, minimizes impacts to the elk and mule deer seasonal range;
- water resource impacts, see DEIS Figure 4-6, minimizes impacts to water resources within the build area available in the valley;
- energy impacts, see Figure 4-10, minimizes impacts by following the previously disturbed footprint of the existing transmission lines while minimizing entanglements with the power lines;
- minimizes impacts to irrigated farm lands and limits impact to pastureland and low-grade farm ground;
- provides a connection at the location and within standards acceptable to UP
- allows for minimization of impacts to spring and waterways by use of culverts; and
- minimizes wetlands disturbance to marginal value wetlands as discussed more below.

As part of the preferred route analysis and looking specifically at wetland impacts, SCAOG met with Mike Schwinn of the USACE in October 2001. The parties toured the area being considered for the rail line including the connection area with UP. SCAOG was told at that time that the area surrounding the connection to UP near Juab would not be a problem and in fact, Mr. Schwinn stated during the field visit that the area near the northern connection that SCAOG thought might be a wetland would not be considered one at all. In addition, SCAOG continued its efforts to minimize water impacts by making sure that the preferred route avoided springs in the area.

In reviewing the DEIS, SCAOG believes that the wetlands figures reported in the report may significantly state the actual impacts to wetlands from the preferred route. The Feasibility Report estimated wetland impacts from the preferred route at approximately 34 acres not the 163.5 acres reported in the DEIS. Based upon the efforts that SCAOG undertook to minimize wetlands impacts and SCAOG's knowledge of the area, we believe that the wetlands figure in the DEIS is incorrect. Moreover, as SEA is aware, included within the impact area for the northern terminus of the preferred route, the applicant has included right-of-way that will be needed for a maintenance yard near the UP connection. While the final requirements for this

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Victoria Rutson, Esq.
September 12, 2007
Page 4

maintenance yard will be determined at a later date in conjunction with requirements from the UP, SCAOG is willing to consider shifting this maintenance yard further to the south if doing so would further reduce wetlands impacts.

Second, you have asked for any additional environmental and engineering information, not contained in the Feasibility Report that guided SCAOG's choice of the Juab connection rather than the Mills connection as part of the preferred route. SCAOG is not aware of any additional environmental and engineering information not contained in the Feasibility Report or subsequently provided to HDR that guided SCAOG's choice for the Juab connection as the preferred route. As you are aware, the current route for coal moving from SUFCO to UP is to move the coal by truck to a transload facility near Juab for loading into rail cars. SCAOG met with UP on various occasions during the development of the preferred route and UP recommended that the connection to the UP line be at Juab via the preferred route. UP confirmed this conclusion in a July 23, 2003 letter to SCAOG which was provided to HDR when received. SCAOG's overall analysis finding in favor of the Juab connection as the preferred route and finding the Mills connection as not practicable includes:

- UP's recommendation that the new connection to their mainline be at the Juab siding;
- the geographic features and development in the Mills area provided limited area available for the necessary maintenance yard needed near the UP connection;
- the area surrounding the Mills connection contains significantly more developed land than the Juan connection area that would necessitate greater impact to the community;
- the Mills connection would require either a bridge structure or a large fill footprint across I-15;
- I-15 contains significantly more volume of traffic than the roads that would be crossed via the Juab connection;
- The Mills connection contains more maintenance and operational issues particularly because of the bridge structure and the fact the helper locomotives might be needed to get over structure; and
- The safety issues surrounding the bridge structure, for both the railroad and vehicles on the road, are avoided with the Juab connection.

Finally, your last request asks for aerial photography of the alignments. As the third party contractor, HDR Engineering, Inc., has subsequently confirmed, SCAOG previously provided HDR will multiple volumes of electronic files containing aerial photography that SCAOG commissioned of the study area between 2002 and 2005. If you think there is additional photography that SCAOG might be able to provide that would be of assistance, please let me

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Victoria Rutson, Esq.
September 12, 2007
Page 5

know. As HDR is also aware there is additional publicly available aerial photography of much of this region in Utah.

SCAOG appreciates the opportunity to provide this additional and clarifying information and looks forward to the issuance of the supplemental information to the Draft Environmental Impact Statement.

Sincerely,



Sandra L. Brown
Attorney for Six County Association
of Governments

cc: Phillis Johnson-Ball, SEA
Barry Butterfield, HDR

Letter from Larry Svoboda (EPA) to Phillis Johnson-Ball (STB)
dated October 18, 2007



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

OCT 18 2007

Ref: 8EPR-N

Ms. Phillis Johnson-Ball
Section of Environmental Analysis
Surface Transportation Board
Case Control Unit
395 E Street, SW
Washington, D.C. 20423

RE: Wetlands Issues to be Addressed in
Supplemental Information for the
Central Utah Rail Project DEIS
Surface Transportation Board Docket
Number FD34075

Dear Ms. Johnson-Ball:

Thank you for inviting Douglas Minter and Dick Clark of the Environmental Protection Agency's (EPA) Region 8 National Environmental Policy Act (NEPA) Program to participate in the recent field tour of the Surface Transportation Board's (STB) proposed alignment for new rail construction along the Sevier River Valley in Central Utah. The resultant discussions enabled EPA to gain a better understanding of the basis for the STB's Preferred Alternative identified in its Draft Environmental Impact Statement (DEIS). During these discussions, EPA committed to providing comments to the STB regarding the major wetlands issues associated with this project. EPA believes these issues should be addressed as the STB prepares its Supplemental Information on this DEIS. EPA supports the STB's decision to work with the United States Army Corps of Engineers (COE) as a cooperating agency to ensure that the results from an adequate wetlands assessment can be incorporated into this Supplemental Information. EPA will provide comments on the entire DEIS, including a formal rating, pursuant to Section 309 of the Clean Air Act (CAA), 42 U.S.C. Section 7609, once the STB publishes the Supplemental Information to this DEIS for public comment.

Wetlands Occurrence and Characterization

Based on the field tour, EPA understands that no more than 106 acres of wetlands could be lost due to rail construction associated with the Preferred Alternative, a correction to the 163 acres noted in the DEIS. EPA observed that the majority of these potential impacts would be in and around the Chicken Creek Reservoir area at the rail corridor's proposed northern terminus near Juab, with smaller acreages potentially impacted in or near the Yuba Narrows, the Redmond Wildlife Management Area, and the rail corridor's proposed southern terminus near Salina.

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Based on these observations, and input provided by the COE during the visit, EPA also understands that the acreage of wetlands lost could be less than the current 106-acre estimate. To more definitively determine the actual scale and nature of potential wetlands loss, EPA believes that a better assessment of wetlands occurrence as well as a better characterization of the wetlands subsequently identified is needed. This would enable the impacts associated with the DEIS Alternatives to be adequately and accurately analyzed, and additional measures associated with these Alternatives to be developed to avoid, minimize, and/or mitigate these impacts.

Wetlands characterization should include identification of specific functions (e.g., waterfowl flyway habitat, flood control, nutrient removal, particulate retention, groundwater recharge, and hydrologic support for plants and wildlife) provided by the aquatic resources and these functions compared for the Alternatives in the Supplemental Information to the DEIS. This discussion should explain the relative importance of these wetlands and the associated effects of acreage losses in the context of the remaining resource and populations that may utilize and depend on those resources. ✓

Development of Alternatives

Based on EPA's review of the DEIS, EPA believes the range of alternatives presented in the DEIS may not include all reasonable alternatives as required in the Council of Environmental Quality's (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR 1502.14). As discussed during the field visit, EPA believes the STB should fully explore and evaluate in its Supplemental Information to the DEIS, an additional alternative which significantly reduces potential impacts to the wetlands in the Sevier River Valley. Specifically, consideration should be given to an alignment that avoids, to the extent practicable, the wetlands and associated springs in and near the Chicken Creek Reservoir at the proposed rail corridor's northern terminus. In reviewing the maps provided by the STB's consultant, EPA believes such an alignment can be proposed without adversely impacting agricultural lands and other important resources. Better characterization of the wetlands in this area (as noted above) should help inform the development of such an Alternative. ✓

Furthermore, Clean Water Act (CWA) Section 404 regulates the discharge of dredged or fill material into "waters of the United States," including certain wetlands. Under CWA Section 404, permits for such discharges are generally issued by the COE, in accordance with EPA's CWA Section 404(b)(1) Guidelines. The Guidelines require that no other practicable alternatives to the proposed discharge exist that would have less adverse impact on the aquatic ecosystem, as long as the alternative does not have other significant adverse environmental consequences. 40 CFR § 230.10(a). A CWA 404 permit cannot be issued until a permit applicant demonstrates compliance with the 404(b)(1) Guidelines. Because the rail construction from this project will result in the discharge of dredged and fill material into "waters of the United States", a CWA 404 permit from the COE to discharge this material will be required. EPA does not believe the current wetlands impact analysis in the DEIS is sufficient to meet the requirements regarding the obligation to select the least environmentally damaging practicable alternative as defined by the Guidelines.

Mitigation

The STB's identification and discussion of mitigation of impacts to waters of the US (and wetlands specifically) should be further developed in the Supplemental Information to the DEIS, particularly in light of the potential scale of wetlands loss. Page 6-14 of the DEIS makes general reference to mitigation measures, including best management practices, that will be required in all permits obtained including from the COE's CWA Section 404 and Utah's CWA Section 401 programs. However, EPA believes a more robust analysis of these impacts is needed to comply with NEPA through disclosure of project-specific mitigation. Specifically, the CEQ Guidance for NEPA compliance (40 Most Asked Questions Concerning CEQ's NEPA – 40 CFR 1500-1508) states that NEPA requires that "reasonable alternative mitigation measures and monitoring programs" should be addressed in the draft and final environmental impact statement. Additionally, NEPA requires discussion of mitigation measures in the range of alternatives assessed and with respect to environmental consequences. (40 CFR 1502.14(f) and 1502.16(h)). The CWA Section 404(b)(1) Guidelines generally require information on types of mitigation, mitigation plans, monitoring plans, standards for measuring mitigation success, and a contingency plan in case of mitigation failure. This information should be in the Supplemental Information to the DEIS in order to make the required CWA 404(b)(1) Guidelines determination that all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem have been taken (40 CFR 230.12(a)(3)(iii)). As noted above, a CWA Section 404 permit cannot be issued until a permit applicant can demonstrate compliance with the 404(b)(1) Guidelines.

In addition, Executive Order 11990 – Protection of Wetlands (May 24, 1977) states in pertinent part as follows: "Section 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. (b) This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property."

We believe that once better identification and characterization of the wetlands are completed, more specific mitigation measures can be proposed in the Supplemental Information to the DEIS. Such measures could include: 1) acquisition of land near Chicken Creek Reservoir where springs are located to reduce impacts from livestock and enhance/restore currently marginal wetlands; 2) reducing the footprint on wetlands acreage in and around the proposed rail yards associated with the northern and southern terminuses; 3) enhancement of wetlands through acquisition of land adjacent to the Redmond Wildlife Management Area; and 4) improvement of water quality (e.g., restoration of impaired stream segments) within the Sevier River watershed. In implementing these and/or other measures, the Supplement Information to the DEIS should also discuss what monitoring programs will be in place to evaluate the success of such mitigation.

EPA understands that the public comment period for this DEIS, announced by the STB on June 29, 2007, in the Federal Register (FR), was extended through a subsequent FR notice published on August 24, 2007. Specifically, the STB announced that it will be issuing Supplemental Information on alternatives and wetlands to assist the public in its review of the proposed project. The STB also stated that it will publish another FR notice announcing a date for when comments on this information and the DEIS are due. After the close of this extended public comment period, the STB will prepare a Final Environmental Impact Statement that considers all comments received on both the DEIS and Supplemental Information. Upon our review of this information, EPA will provide written comments to the STB including our rating pursuant to CAA Section 309.

Thank you for the opportunity to provide input into the development of the Supplemental Information to the DEIS. We look forward to continuing to work with the STB to address these wetlands issues, and to providing comments on the entire DEIS. If you have any questions, please contact Douglas Minter of my staff at (303) 312-6079.

Sincerely,



Larry Scoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

cc: Michael Jewell, USCOE, Sacramento
James McMillan, USCOE, Bountiful



Letter from Sandra Brown (Troutman Sanders LLP) to Phillis Johnson-Ball (STB)
dated March 6, 2008

— TROUTMAN SANDERS LLP —

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March 6, 2008

Ms. Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: Finance Docket No. 34075, *Six County Association of Governments - Construction and Operation Exemption - Rail Line between Levan and Salina, Utah*

Dear Vicki:

This letter responds on behalf of Six County Association of Governments ("SCAOG" or "Applicant") to the Section of Environmental Analysis's ("SEA") February 8, 2008 letter addressing supplemental information for the Draft Environmental Impact Statement ("DEIS") regarding alternatives and concerns raised by the U.S Environmental Protection Agency ("EPA"). Specifically, SEA has asked the Applicant to review a conceptual route modification at the northern terminus of the line and advise SEA whether the route modification is technically feasible.

First, SCAOG is appreciative of all the work SEA has undertaken in preparing the DEIS and the supplemental information. The Applicant looks forward to moving this long-pending project forward to completion of the Final EIS. As you know, the Central Utah region is without rail service. Therefore, coal from the Southern Utah Fuel Company is trucked from Sevier County, through the downtown of Salina, at the rate of 1,500 trucks each day or approximately one truck per minute. Rail service to this area is vital to the health and safety of the community and will reduce road congestion, decrease the likelihood of truck accidents and provide opportunities for economic development in this region of Utah.

In assessing whether the conceptual route modification is technically feasible, Applicant believes this request is best understood under the guidance of the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) for an alternatives analysis which states that the scope of alternatives should be on what is reasonable. CEQ has found that "reasonable alternatives include those that are practical or feasible from the technical and

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March 6, 2008
Page 2

economic standpoint and using common sense” in conjunction with the applicant’s stated goals.¹ In addition, under Section 404 of the Clean Water Act as administered by the Corps of Engineers (“Corps”) the alternatives analysis looks at the practicable² alternative. The term practicable is defined as “available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.”³ In addition, EPA and the Corps recognize that the alternatives review under Section 404 permits flexibility.⁴ While a 404 permit cannot be issued if there is a “practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem,” the regulations recognize that this standard is subject to a finding that the “alternative does not have other significant adverse environmental consequences.”⁵ Thus, Applicant believes that its response to whether the conceptual route modification is technically feasible needs to address more than just whether it is theoretically possible to construct a rail line along the route modification. Instead, such a response must also include a common sense approach including the cost and economics involved, the applicant’s goals, and balancing the overall environmental impacts.

In light of the above, Applicant’s position is that the route modification is not technically feasible. The route modification is infeasible from an environmental, economic, and operational impact. From an aquatic environmental perspective, Applicant acknowledges that the route modification would reduce the impact on wetlands⁶ in the northern terminus area. However, Applicant was in attendance during a site visit to the area and agrees with the verbalized comments of both EPA and Corps at that time that the wetlands appear to be of low value and even show characteristics of natural conversion to a non-wetland. Thus, while the protection of valuable wetlands is a beneficial and vital service to the environment, the evaluation of a potential route modification impacting low value wetlands should especially take into

¹ *Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations*, <http://www.nepa.gov/nepa/regs/40/40p3.htm>

² Merriam-Webster’s Collegiate Dictionary defines infeasible as impracticable.

³ 49 CFR § 230.3(q)

⁴ EPA and Corps Memorandum: Appropriate Level of Analysis Required for Evaluating Compliance with the Section 404(b)(1) Guidelines Alternatives Requirements.

⁵ 49 CFR 230.10(a)

⁶ Applicant’s use of the term wetlands to describe any areas near the northern terminus of the line near Chicken Creek Reservoir does not necessarily mean that Applicant concedes that this area has jurisdictional wetlands.

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Victoria Rutson, Esq.
March 6, 2008
Page 3

consideration the other significant adverse environmental consequences that such a route modification would have on the project.

Specifically, Applicant's preferred alignment was developed with a tremendous amount of input from various stakeholders in central Utah looking at the overall environmental impact. The northern terminus was designed to avoid wetlands to the greatest extent possible and to skirt the edges of important private farmland.⁷ The route modification raises other significant adverse environmental consequences because it would cut diagonally through several miles of important private agricultural land and turn several miles of rectangular agricultural fields into triangles, which makes operation of these farms very difficult or impossible and drastically reduces their value and permanently destroys this valuable and irreplaceable farmland. *Id.* The amount of farm land that potentially would be impacted is estimated between 75 and 100 acres. Even the portions of this impacted farm land that might still be farmable would have significant operational inefficiencies added to ongoing farming.

As noted by Mr. Gale, private farmland is of great importance to Utah since 78% of the surface acres of Utah are owned by public entities or sovereign Indian nations. This leaves only 22% of all of Utah for private development and private farms which places Utah's public ownership second only to Nevada of the contiguous states. Furthermore, in Juab County, which is where the route modification is located, only 17% of the county's land is privately owned and 95% of the farming in the county occurs in the Nephi area which is the projected impact area for the proposed route modification. The primary commodity grown in this area is wheat for human consumption. With the high demand on other agricultural products related to the ethanol industry, the price for this wheat has also risen considerably and the potential loss of this farming could harm the county and state economic development and impact food sources.

In addition there are other adverse environmental consequences with the route modification. For example, there would be an additional road crossing at Powell Lane and a change in a crossing location of another county road both of which would create safety issues for the local residents and would create additional burdens on farming and the ability to move heavy farm equipment on a regular basis. The route modification would also require that the rail line make additional crossings of the two high-voltage transmission lines in the area.

Moreover, the route modification would create great opposition from private landowners and their elected officials who have supported this project based upon the collectively developed preferred alignment. Given that the Applicant in this project is a public entity using federal and state monies to develop this project and promote economic development, the potential loss of

⁷ See attached Letter from Jody Gale, Area Agent, Utah State University Extension, February 25, 2008.

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Victoria Rutson, Esq.
March 6, 2008
Page 4

support for the project because of the negative impact to the limited private farmland in the region would likely place the ability of the Applicant to move forward with the project in jeopardy.

From an economic and operational perspective, the route modification is also infeasible. The route modification would extend the track approximately 9700 feet or 1.84 miles. The additional construction cost for just the extended track miles would be approximately two to three million dollars. In addition, new engineering costs and additional property acquisition costs would be added to the project. Furthermore, the projected operating plan for the rail line entails daily operations that can be accomplished with eight hour running times for the crew. The additional track length would likely put the crew over the eight hour running times and into overtime which would add to the operating costs.

Importantly, the selection of the northern terminus point was based upon the primary goal of the project – to build a rail line between Salina and Levan and connect to the Union Pacific Railroad (“UP”) at a viable point and enhance the economic development of the region. The connection to UP at Juab was developed by working with UP to find the most efficient connection point. It is impracticable to connect to a busy main line such as UP’s without additional infrastructure in place to stage and interchange traffic. The UP main line is rated by UP as controlled access only. Therefore, new connections are required to comply with stringent UP guidelines. The Juab connection was selected in consultation and in response to UP’s preference that the connection be at an existing siding. The northern terminus point would connect to UP where there is an existing 6,082 foot siding at Juab. The next siding east is at Sharp which is five miles away and the closest to the west is at Parley, 15 miles away. The connection point to UP under the route modification would not be at an existing siding. Therefore, the route modification would also require the construction of additional siding track and updated signaling which would cost several million dollars and add to the environmental footprint and impacts of the project.

Based upon the foregoing reasons, the route modification is infeasible from an environmental, economic, and operational impact. Further, the additional environmental, economic and operational costs associated with the route modification would place the project in jeopardy. Moreover, the expected private and political opposition to the route modification and associated destruction of prime private farmland would make it impracticable for the Applicant to continue with the project. Thus, Applicant’s position is that the route modification is not technically feasible. Nonetheless, Applicant recognizes the importance of wetlands and SCAOG is committed to minimizing the impact to wetlands and other environmental consequences for this project. In that regard, please accept this letter as a formal offer from Applicant, to minimize impact of wetlands in the northern terminus area, that the Applicant will redesign its preferred route to move the maintenance yard from its current planned location to a point further south of

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March 6, 2008
Page 5

the northern terminus so that the maintenance yard area will be south of the area defined as wetlands. While this modification will increase Applicant's costs for engineering and long-term operation of the line, this change would lower the number of impacted wetlands and thus Applicant will agree to be bound by this modification to minimize the environmental impacts of the project.

SCAOG appreciates the opportunity to respond to the conceptual route modification. SCAOG looks forward to the issuance of the supplemental information to the DEIS and a final EIS for this project.

Sincerely,



Sandra L. Brown
Attorney for Six County Association
of Governments

cc: Phillis Johnson-Ball, SEA
Barry Butterfield, HDR

Letter from Jody Gale (Utah State University) to STB dated February 25, 2008

SEVIER CO. EXTENSION

**Utah State
UNIVERSITY**

250 North Main
Richfield UT 84701-2185
Phone (435) 893-0470
Fax (435) 893-0493

February 25, 2008

Surface Transportation Board
Section of Environmental Analysis
Washington, DC

To Whom It May Concern:

I am writing regarding the recent route modification proposed by the Section of Environmental Analysis (SEA) in response to concerns raised by the U.S. Environmental Protection Agency (EPA). The potential route modification proposed by SEA suggests moving the northern connection point to a different location than the current proposed connection at the "Juab" Union Pacific Railroad siding for the proposed Central Utah Short Line Railroad. The Applicant for this project is the Six County Association of Governments (SCAOG). As a USU Extension Area Agent and trained Agronomist for Utah State University, I have grave concerns about your suggested alternative proposal to modify the northern connection point from the alternative as was originally submitted by the Applicant.

As a technical resource provider I am very familiar with the area and with the proposed railroad project. Literally years of effort have gone into the development of the Applicant's version of the proposed alignment. The over-arching criteria used by the Applicant in developing the proposed alignment has included, but has not been limited to: a desire to minimize the impact on wetlands and wildlife, avoid areas of cultural resources, develop a reasonable and economical engineering design, minimize farm land fragmentation and disruptions of irrigations systems, avoid land locking farms and fields, and many other concerns for Central Utah. The public process undertaken by the Applicant even before the application was filed in 2001 and included involvement and consultation of key individuals from all aspects of Central Utah including: elected officials in six Utah counties, local citizens and members of the Private Land Owner's sub-committee (part of the SCAOG Rail technical committee), USDI-BLM, Utah State Parks, Farm Bureau, Utah Institutional Trust Lands, Indian Tribes and the Army Corps of Engineers. Since the filing of the construction application nearly seven years ago, significant effort has been undertaken by HDR Engineering and SEA to study, identify, and document the environmental, cultural, social, concerns that have resulted in the alignments proposed in the DEIS. As you know, many public hearings have been held and the Applicant's version of the alignment and alternatives have been slightly modified in the course of conducting the environmental review in response to public requests and to avoid cultural and other environmental features that have more fully been identified.

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SEA's suggestion to move the Northern end of the alignment (which is the connection end of the alignment to the Union Pacific mainline) would slightly reduce impact on a few hundred yards of "wetlands" that is really pasture ground with a high water table. However, as the site visits by SEA, EPA, HDR and the Army Corps of Engineers have shown, the "wetlands" in the Northern end of the alignment are low value wetlands that even show characteristics of natural conversion to a non-wetland.

Most importantly, SEA's proposed modification would change several miles of the alignment without taking into account other important criteria to reduce impacts to the environment. Instead of the Applicant's preferred alignment which skirts the edges of important farmland, the SEA proposal literally cuts diagonally through several miles of important private agricultural land and turns several miles of rectangular fields into triangles, which makes operation of these farms very difficult or impossible and drastically reduces their value.

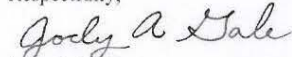
Private farmland is of great importance to Utah since 78% of the surface acres of Utah are owned by public entities or sovereign Indian nations. This leaves only 22% of all of Utah for private development and private farms which places Utah's public ownership second only to Nevada of the contiguous states. See the attached map of the State of Utah Land Ownership. Furthermore, in Juab County only 17% of the county's land is privately owned and 95% of the farming in the county occurs in the Nephi area which is the projected impact area for the proposed route modification. See attached Juab County Agriculture Profile.

The route modification would create great opposition from private landowners and their elected officials who generally support this project. I estimate that the route modification would include about 50% of the acres as dry land wheat growing fields and 25% pasture and 25% irrigated land. The wheat in this area is grown for human consumption and because of the demand on other agricultural products related to the ethanol industry, the price for this wheat has also risen considerably and the potential loss of this farming could harm the county economic development and impact food sources.

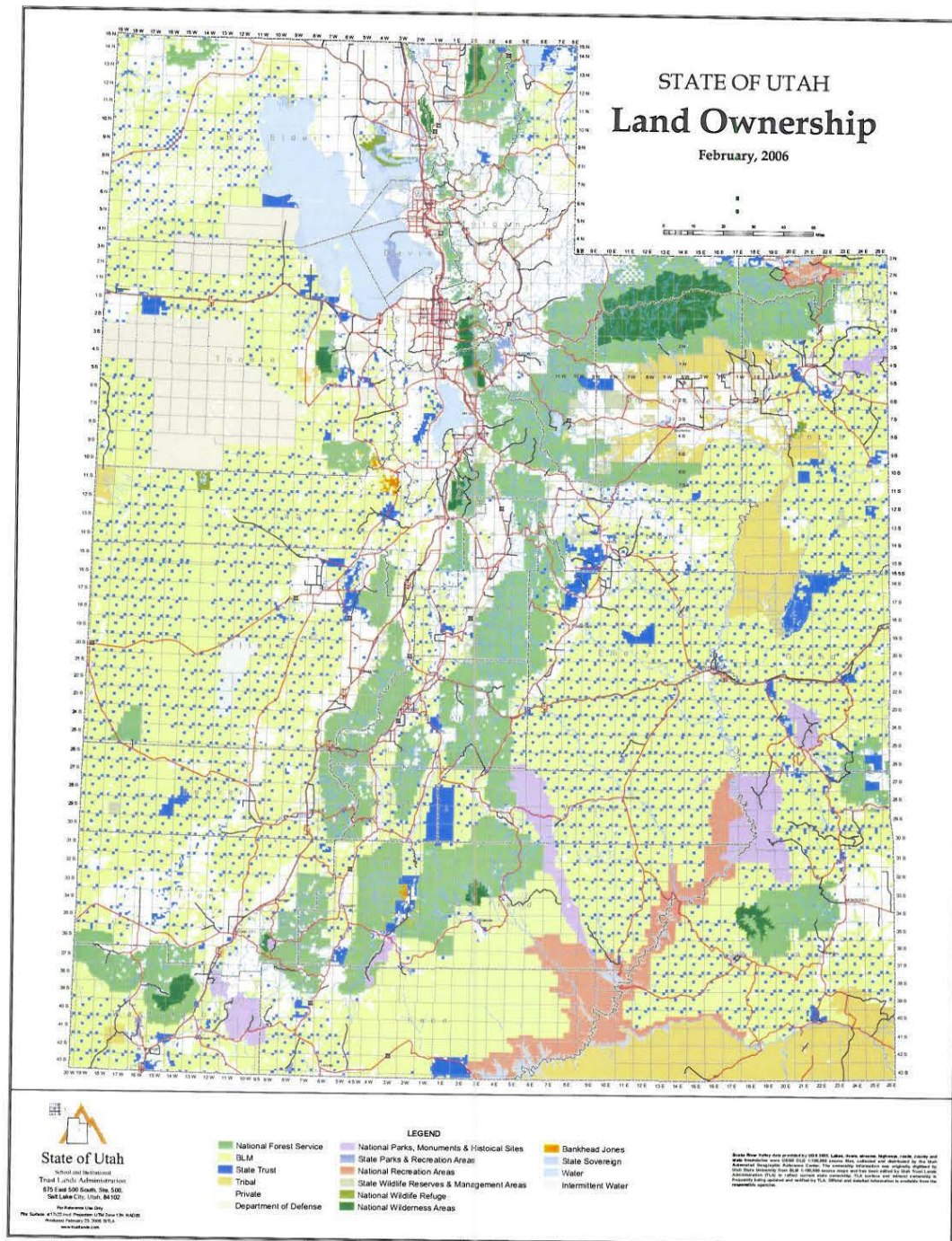
With the environment we are currently facing including the inordinate demand on agricultural products flowing from the high demand for ethanol coupled with high fuel prices, we should be extremely cautious against considering a proposed route modification that would permanently destroy valuable and irreplaceable agriculture land.

I would be glad to talk with you and or meet with representatives on site to further explain and demonstrate the impacts of your proposal.

Respectfully,



Jody A. Gale
Area Agent,
Utah State University – Extension



EXTENSION
Utah State
 UNIVERSITY
 Economics Department

Juab County Agriculture Profile

Juab County

AG/Econ/county-2005-15

E. Bruce Godfrey, Extension Specialist
 Jeffrey Banks, Juab County Agent
 Dale Baker and Spencer Parkinson,
 Research Assistants

Area: 3,392 square miles
 (2,170,880 acres)

Population: 8,792 (U.S.
 Census Bureau
 Estimate, 2003)



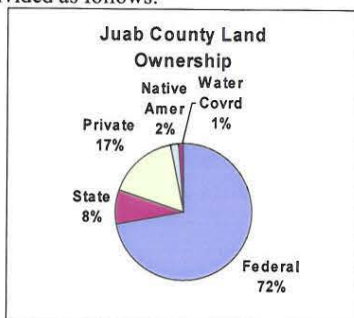
County seat: Nephi

Location

Juab County is located in the western central part of Utah. Its primary economic base comes from agriculture, manufacturing, mining, recreation and electrical power.

Land Ownership

The land ownership within the county is divided as follows:



Source: (Utah County Fact Book, 2002)

The majority of the federally-owned ground, about 96%, is under the jurisdiction of the Bureau of Land Management (BLM) and

the U.S. Forest Service (USFS). The state owned ground is primarily under the jurisdiction of the Utah School and Institutional Trust Land Administration (SITLA). The private ground is primarily farm ground and grazing areas.

The 2002 Census of Agriculture indicated that there were 270,350 acres in farms or ranches in the county with an average size of 1146 acres and an average value of \$569 per acre. The county had 63,003 acres in cropland of which 25,226 acres were harvested and 22,043 were irrigated. The value of livestock and crops produced was listed at \$12,200,000.

Agricultural Snapshot

The major crops grown in Juab County with 2004 yields and total acres harvested were:

2004 Primary Crops	Yields	Total harvested acres	Average yield/acre
All alfalfa hay	62,000 tons	15,500	4.0 tons
Other Hay	6,000 tons	3,000	2.0 tons
Corn for silage	15,000 tons	800	19 tons
Corn for grain	112,000 bu	800	140 bu
Barley	46,000 bu	700	66 bu
All Wheat	52,000 bu	900	58 bu

Most dry land grain in the county is planted utilizing no-till drilling systems. Typical ground preparation for planting in irrigated grain ground is done by plowing up

any ground coming out of alfalfa. The land is disked and then harrowed after plowing. Land-leveling is often done before alfalfa is replanted to provide a smooth and level surface. About 60% of all planted wheat is winter wheat and 40% is spring wheat.

The most prevalent crop rotation practice is to leave alfalfa in for seven years, plow it up, plant small grains for a year, then replant alfalfa. Producers typically get three cuttings of alfalfa each year. About 75% of all inputs (e.g., seed, fertilizer, pesticides, etc.) are purchased locally while the remaining 25% is bought in a neighboring county. About 95% of all farming done within the county is done in the eastern part near Nephi while 5% is done in the extreme west. The majority of all grazing in the county occurs near the areas that are farmed. Those areas are adjacent to the borders and 15 miles inward from the west border and 100 miles inward from the east border. As a result, much of the land in the central part of the county is not used for agricultural purposes.

Juab County boasts one of the largest herb farms in the world. Young Living Farms is located 10 miles north of Nephi in Mona, and covers more than 1,600 acres of production ground. Various herbs used for therapeutic grade essential oils are grown there. Phillips Turf Farm, the state's largest producer of Utah grown turf grass with over 1,100 acres in production, is located at Levan, ten miles south of Nephi.

The majority, about 75% of the irrigation water available in Juab County, is from deep well pumping. The other 25% is from rivers and streams.

Growing Season

The growing season in Juab County averages just over four months. Callao is in the northwestern part of the county and Nephi is in eastern part of the county.

Following are some of the details on climatology in the two areas.

Juab	Climate Characteristics			
County locations	Annual Precip.	Last spring freeze	First fall freeze	Freeze -free period
Callao	5.75in	May 16	Sept. 25	132 days
Nephi	14.55 in	May 15	Sept. 30	139 days

The average precipitation received countywide varies significantly, because it straddles two climatic zones. The western part is a desert zone within the Great Basin, Mojave Desert Region. The eastern part is still within this region, but it is a transition zone on the eastern desert edge and is part of a semiarid steppe climate.

The major classes of livestock produced in the county along with their associated inventories as of January 2004 were:

Livestock Type	Number of Head
All Cattle & Calves	16,000
Beef Cows	7,500
Dairy Cows	900

For more information visit these Web sites:

<http://utahreach.org/juab/visitor/about.htm>

<http://www.wrcc.dri.edu/htmlfiles/ut/ut.ppt.html>

<http://climate.usu.edu/utahclim/freeze/default.htm>

<http://www.wrcc.dri.edu/summary/listut.html>

http://www.utahweather.org/UWC/utahs_climate/climate_of_utah.html

<http://biology.usgs.gov/s+t/SNT/noframe/gb150.htm>

Utah State University is committed to providing an environment free from harassment and other forms of illegal discrimination based on race, color, religion, sex, national origin, age (40 and older), disability, and veteran's status. USU's policy also prohibits discrimination on the basis of sexual orientation in employment and academic related practices and decisions.

Utah State University employees and students cannot, because of race, color, religion, sex, national origin, age, disability, or veteran's status, refuse to hire; discharge; promote; demote; terminate; discriminate in compensation; or discriminate regarding terms, privileges, or conditions of employment, against any person otherwise qualified. Employees and students also cannot discriminate in the classroom, residence halls, or in on/off campus, USU-sponsored events and activities.

This publication is issued in furtherance of Cooperative Extension work. Acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, Jack M. Payne, Vice President and Director, Cooperative Extension Service, Utah State University.

E-mail from Nancy DeMille (BLM) to Various Recipients dated March 31, 2011

From: ndemille@blm.gov
To: pzieg@blm.gov, mjeffs@blm.gov, charmon@blm.gov,
bhallows@blm.gov, lgreenwo@blm.gov, slanders@blm.gov,
rpeterso@blm.gov, b2willia@blm.gov, ccolton@blm.gov,
vchristi@blm.gov, rbate@blm.gov
Cc: wwetzel@blm.gov, Phillis.Johnson-Ball@stb.dot.gov,
r3lee@blm.gov
Date: 03/31/2011 05:36 PM
Subject: Fw: CURP Draft EIS

Hello all,

Looks like the subject proposal is being revived.

Please read the trailing e-mail and its attachment that was received from the Surface Transportation Board (STB) who is the Lead Agency for this project. Then, identify any additional information you feel may be necessary since our last review to assist in the preparation of analysis necessary for the Supplemental Draft Environmental Impact Statement (Supplement).

The RFO RMP has since been approved and there have been a number of changes in RFO staff and the Utah NEPA handbook and template formats. Therefore, a current IDT Checklist is posted on the N: Drive in the CENTRAL UTAH RAIL PROJECT folder. Also posted in this N: Drive folder for your reference is the initial March 01, 2005 IDT Checklist, associated maps, and the 2007 Final Draft EIS.

Please provide current individual reviews, comments, and date. If up-date information regarding surveys/clearances and recommended seed mix need occur, provide those as well to assist the third-party EIS contractor.

FYI - during a brief talk with Wayne this morning we came up with at least the following information needs: Wild Lands Inventory; VRM Inventory; and T&E Plants and Animal surveys that addresses the Spotted Owl and its Habitat.

Be reminded, until further notice please code any time spent working on this project (within 15 minute increments) to project code 5101 ER J501.

Thank you for your time and prompt attention to this request.

----- Forwarded by Nancy DeMille/RFO/UT/BLM/DOI on 03/31/2011 12:47 PM -----

From: Phillis.Johnson-Ball@stb.dot.gov
To: Nancy_Demille@blm.gov
Date: 03/31/2011 11:42 AM
Subject: Re: CURP Draft EIS

Hi Nancy,

It has been a while since the last action on the Draft EIS for CURP. The Applicant wants to move forward with the completion of the Draft EIS.

I am attaching a letter sent today to the Applicant requesting additional information. At this time, do you have any information request? In the future, I will make contact with you prior to submitting any information request to the Applicant. I apologize for this oversight.

Phillis

(See attached file: Six counties let Malcolm R.docx)

Letter from Victoria Rutson (OEA) to Malcolm Nash dated March 31, 2011



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

March 31, 2011

Malcolm R. Nash
Executive Administrator
Sevier County
250 North Main Street
Richfield, UT 84701

Re: STB Docket No. 34075, Six County Association of Governments—Construction and Operation—Rail line between Levan and Salina, Utah.

Dear Mr. Nash:

Pursuant to 40 C.F.R. § 1506.5(a), I am writing to request information needed for the purposes of the Office of Environmental Analysis' (OEA) environmental review in connection with the above-referenced proceeding. This information will assist OEA in conducting the analysis necessary for the ongoing preparation of the Supplemental Draft Environmental Impact Statement (Supplement). At this time, we are requesting the following information:

- Any updated information that you may have regarding the proposed transaction's purpose and need (specifically, whether the movement of coal from the Sufco Mine remains viable given the time that has elapsed since you filed your petition for exemption in 2001);
- Additional studies that you may have conducted identifying and studying the reasonable range of alternatives to the proposal;
- Updates on the United States Fish and Wildlife Service 404 Permit application, including any wetland avoidance measures; and
- Any updated studies and surveys of the project area that would assist OEA in determining which properties, if any, may be listed in or eligible for the National Register of Historic Places.

Please let us know if any of the information requested is available from public sources. As we move closer to completion of the Supplement, we may have additional information request.

We appreciate your continued assistance. Please provide a copy of your response as soon as possible to Phillis Johnson-Ball of my staff (e-mail address: johnson-ballp@stb.dot.gov), and to Barry Butterfield, at HDR, 8404 Indian Hills Drive, Omaha, Nebraska, 68114-4098 (e-mail address: bbutterfield@hdrinc.com). If you have questions or concerns about this information request, please feel free to contact me by telephone at 202-245-0295 or Ms. Johnson-Ball at 202-245-0304.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson
Director
Office of Environmental Analysis